

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	
)	Case No. 3:12-cr-80
vs.)	
)	ORDER
Andrew Michael Spofford,)	
)	
Defendant.)	

Andrew Michael Spofford filed a pro se motion, seeking revocation or amendment of the stipulated discovery and protective order so he can obtain discovery from his former counsel for preparation of a petition under 28 U.S.C. § 2255. (Doc. 270).

The court will not provide the relief Spofford seeks. The protective order provides that discovery materials are to remain in the sole custody of counsel. (Doc. 70, p. 3); see also United States v. Delacruz, No. 2:14-cr-47, Doc. 420 (D.N.D. May 21, 2018); United States v. Meierding, No. 3:15-cr-91, Doc. 124 (D.N.D. Apr. 23, 2018).

In very similar circumstances, courts in other districts have denied requests to lift a protective order. United States v. Johnson, No. 08-374, 2017 WL 3034928 (W.D. Pa. July 17, 2017). In denying the request, the court noted that a habeas petitioner is not entitled to discovery as a matter of course but only on a showing of good cause. Since a § 2255 petition was not yet pending, it was not possible to determine whether Johnson met the good cause standard. See also Delacruz, No. 2:14-cr-47, Doc. 124; Meierding, No. 3:15-cr-91, Doc. 124; Morales v. Dist. Attorney of Allegheny Cty., No. 2:16-cv-0385, 2017 WL 5467703, at *2 (W.D. Pa. Nov. 14, 2017); United States v. Kerik, No. 07 CR 1027, 2014 WL 12710346, at *2 (S.D.N.Y. July 23, 2014).

For the reasons discussed above, Spofford's motion, (Doc. 270), is **DENIED**.

IT IS SO ORDERED.

Dated this 13th day of May, 2019.

/s/ Alice R. Senechal

Alice R. Senechal
United States Magistrate Judge